



January 2011

# A Distaste for War at Walden Pond: Thoreau's *The Bean-Field*, Theories of Personal Property, and the Mexican-American War

Jesse Cross

Follow this and additional works at: <https://digitalcommons.law.yale.edu/yjlh>



Part of the [History Commons](#), and the [Law Commons](#)

## Recommended Citation

Jesse Cross, *A Distaste for War at Walden Pond: Thoreau's The Bean-Field, Theories of Personal Property, and the Mexican-American War*, 23 YALE J.L. & HUMAN. (2011).

Available at: <https://digitalcommons.law.yale.edu/yjlh/vol23/iss2/4>

This Article is brought to you for free and open access by Yale Law School Legal Scholarship Repository. It has been accepted for inclusion in Yale Journal of Law & the Humanities by an authorized editor of Yale Law School Legal Scholarship Repository. For more information, please contact [julian.aiken@yale.edu](mailto:julian.aiken@yale.edu).

## Note

### **A Distaste for War at Walden Pond: Thoreau's *The Bean-Field*, Theories of Personal Property, and the Mexican- American War**

**Jesse Cross**<sup>\*</sup>

Upon the tenth anniversary of their graduation from Harvard University, the members of the Harvard class of 1837 were sent a survey asking them to state, among other things, their current occupation. One member of this class, Henry David Thoreau, undoubtedly encountered this request while in a peculiar frame of mind. Thoreau responded to the survey on September 30, 1847, less than four weeks after he had left the

---

<sup>\*</sup> J.D., Yale Law School, Class of 2011; M.A., English, University of California, Irvine, 2006; B.A., Dartmouth College, 2004. I wish to thank Jedediah Purdy, Carol Rose, Elisa Tamarkin, and John Witt, each of whom provided thoughtful guidance and support that was invaluable to the development of this Note. I am fortunate to have encountered such brilliant scholars and engaged teachers, and I am grateful that this Note has given me an opportunity to learn from each of them.

small home he had occupied for two years at Walden Pond.<sup>1</sup> Once again a “sojourner in civilized life,”<sup>2</sup> as he would put it in *Walden*, Thoreau responded to his alma mater by listing no less than thirteen different occupations. “I am a Schoolmaster,” Thoreau explained, “a Private Tutor, a Surveyor—a Gardener, a Farmer—a Painter, I mean a House Painter, a Carpenter, a Mason, a Day-Laborer, a Pencil-Maker, a Glass-paper Maker, a Writer, and sometimes a Poetaster.”<sup>3</sup>

Of these many alleged professions, the one that would actually provide much of Thoreau’s income over the years—his work as a surveyor<sup>4</sup>—is also one of the least considered or analyzed aspects of Thoreau’s identity. As Patrick Chura observed in his recent book, *Thoreau the Land Surveyor*, “Thoreau’s literary stock has risen steadily in the twentieth century, but interest from literary researchers [in Thoreau’s work as a surveyor] has been intermittent at best.”<sup>5</sup> This neglect of Thoreau-as-surveyor is unfortunate for a variety of reasons, not the least of which is that it has left incomplete the task of studying the interesting and complex relationship Thoreau bore to the property regimes and property theories of his day. Scholars frequently have been content to focus upon Thoreau’s famous critiques of contemporary property regimes in the opening chapter of *Walden*, where Thoreau describes ownership as part of a larger economic system that had engulfed New England and that he found detestable.<sup>6</sup> As Thoreau’s long career as a surveyor reveals, however, the relationship must be more complex than this. His work as a surveyor made him into an agent of the existing property regime, yet the man we see in much of Thoreau’s writing is aloof and triumphant, a far cry from someone who understands himself to be an agent of a regime he detests.

---

1. Thoreau ended his experiment at Walden Pond on September 6, 1847. TIM SMITH, THOREAU’S WALDEN 34 (2002).

2. HENRY DAVID THOREAU, WALDEN AND “CIVIL DISOBEDIENCE” 1 (Penguin Putnam Inc. 1999) [hereinafter THOREAU, WALDEN].

3. HENRY DAVID THOREAU, CORRESPONDENCE 196 (Walter Harding & Carl Bode eds., 1974) [hereinafter THOREAU, CORRESPONDENCE].

4. Patrick Chura notes that land surveying was “a primary source of income [for Thoreau] over the last dozen or so years of his life.” PATRICK CHURA, THOREAU THE LAND SURVEYOR, at ix (2010).

5. *Id.* at 20.

6. As Thoreau put it: “By avarice and selfishness, and a grovelling habit, from which none of us is free, of regarding the soil as property, or the means of acquiring property chiefly, the landscape is deformed, husbandry is degraded with us, and the farmer leads the meanest of lives.” THOREAU, WALDEN, *supra* note 2, at 22. For analyses that emphasize this aspect of Thoreau’s understanding of the role of property in society, see, for example, Robert Fanuzzi, *Thoreau’s Urban Imagination*, 68 AM. LITERATURE 321 (1996); and David M. Robinson, “Unchronicled Nations”: *Agrarian Purpose and Thoreau’s Ecological Knowing*, 48 NINETEENTH CENTURY LITERATURE 326 (1993).

How can this be?

Thoreau's journal entries discussing his work as a surveyor provide some clues. On the one hand, the journal entries show Thoreau reveling in the opportunity to work in a profession that allows him (and often requires him) to observe nature closely. In the journals, we see Thoreau repeatedly using surveying as a way to observe nature in minute detail, as he records his many observations about the local bird life or plant life with the care of someone who clearly regards this activity as a pastime. The fact that "[a] surveyor must be curious in studying the wounds of trees, to distinguish a natural disease or scar from the 'blazing' of an axe," for example, clearly aligned Thoreau's profession with his personal fascination with the details of the natural world.<sup>7</sup>

On the other hand, the journal entries reveal Thoreau's displeasure with the society this job had forced him to enter. As he wrote in the Journal entry from September 20, 1851:

As I go through the fields, endeavoring to recover my tone and sanity and to perceive things truly and simply again, after having been perambulating the bounds of the town all the week, and dealing with the most commonplace and worldly-minded men, and emphatically trivial things, I feel as if I had committed suicide in a sense. I am again forcibly struck with the truth of the fable of Apollo serving King Admetus, its universal applicability. A fatal coarseness is the result of mixing in the trivial affairs of men. Though I have been associating even with the select men of this and the surrounding towns, I feel inexpressibly begrimed . . . . Such things are compatible only with a cheap and superficial life.

The poet must keep himself unstained and aloof. Let him perambulate the bounds of Imagination's provinces, the realms of faery, and not the insignificant boundaries of towns. The excursions of the imagination are so boundless, the limits of towns are so petty.<sup>8</sup>

In this passage, we see Thoreau attempting to distinguish his transcendent experiences in the woods from the social and economic networks in which he participated as a surveyor. He desires to remain above the fray of the "trivial affairs of men," to separate out the experience of interacting with nature from the role that experience plays

---

7. HENRY DAVID THOREAU, *THE JOURNAL OF HENRY DAVID THOREAU 79-80* (Dover Publ'ns 1962) (1906) [hereinafter, THOREAU, JOURNAL].

8. *Id.* at 5.

in furthering the existing property regime.

In Thoreau's journals, we therefore glimpse the author's desire to disconnect his interactions with nature from any relationship to the economic and property regimes that he detested. A version of this desire also manifests itself, Lawrence Buell has suggested, in the context of Thoreau's labor as a farmer at Walden Pond. Buell says: "Thoreau scarcely rejects work, he merely disburdens it of its proprietarian purpose so that it becomes an end in itself."<sup>9</sup> According to Buell, Thoreau in *Walden* separates out labor from any implications of ownership that might come with that labor; he critiques the farming economy of his day in the book's opening chapter, for example, while embracing agrarian labor in the book's later chapters.

As Buell suggests, we can see this attempted bifurcation writ large in *Walden*. The opening chapter of the book, *Economy*, does offer a forceful (and now-famous) critique of the social and economic conditions of 1840s New England, including the role of property. In the subsequent chapters, Thoreau stages his retreat into nature, presenting this journey as an attempt to build a relationship with the natural world outside the constraints of society. As many scholars have shown, however, Thoreau's retreat to Walden Pond is hardly a true escape from society; rather, Thoreau's experience of nature at the pond is in many ways mediated by the culture of his day.<sup>10</sup> Thoreau's retreat to Walden Pond did not allow him to escape the complex network of social roles, beliefs, and expectations. At most, it allowed new ways of engaging with those aspects of his culture.

In the present paper, I attempt to show the ways that one chapter of *Walden*—the famous chapter entitled *The Bean-Field*—is more deeply enmeshed in theories of property than has been previously acknowledged. Specifically, I will suggest that *The Bean-Field* can be read as a complex reflection on the possibility of mixing one's labor with the land, and of thereby establishing what Margaret Jane Radin would call a "personal" relationship to this land. The connection *The Bean-Field* bears to property theory, I believe, has been obscured for precisely the reason noted by

---

9. LAWRENCE BUELL, *THE ENVIRONMENTAL IMAGINATION: THOREAU, NATURE WRITING, AND THE FORMATION OF AMERICAN CULTURE* 391 (1995) (internal quotation marks and citations omitted).

10. For just a few of the many excellent studies explaining the ways in which Thoreau's project at Walden Pond (and the resulting text of *Walden*) is permeated by the culture of Thoreau's time, see, for example, PAUL OUTKA, *RACE AND NATURE FROM TRANSCENDENTALISM TO THE HARLEM RENAISSANCE* 43 (2008); Fanuzzi, *supra* note 6, at 321; and Lance Newman, *Thoreau's Natural Community and Utopian Socialism*, 75 *AM. LITERATURE* 515 (2003).

Buell: Thoreau separates these reflections from any expectation that they might lead to ownership (itself an interesting fact, perhaps).<sup>11</sup> Nonetheless, Thoreau is reflecting in this chapter upon the possibility of building a specific type of relationship with the land, and because this type of relationship has been integral to justifications of our property system since at least John Locke, and certainly has been central to property scholarship since Radin's 1982 essay "Property and Personhood," I believe it will be of interest to legal scholars as well as literary academics.

Ultimately, I will argue in the following pages that Thoreau finds this "personal" relationship to the land at Walden Pond to be elusive, at least in *The Bean-Field*, but not because he believes such relationships to be impossible. Rather, I will suggest, Thoreau brings to his bean field a Lockean requirement that land be pre-social and not-yet-acquired in order to allow for intermixture, a requirement that comes up against a Mexican-American War that forces him to confront the reality of America as a nation founded upon conquest. This portion of my analysis will hopefully be of interest to literary scholars, as it suggests a reading of *The Bean-Field* that is organized in large part around a central pun that heretofore has gone unnoticed. At the same time, this reading finds in *The Bean-Field* interesting commentary on the idea of personal property, revealing Thoreau's belief that a "personal" relationship to property is inevitably mediated, both by inherited property theories and by contemporary historical facts, in ways that theorists such as Radin have not discussed.

My goal is to develop this interpretation of *The Bean-Field*, showing how Thoreau's unique, pun-driven literary style allowed him to explore the possibility of mixing with his land through labor—and how it also permitted him to reflect upon the ways that the Mexican-American War threatened and altered that possibility. In Part I of the paper, I preface this analysis with an explanation of Thoreau's writing style that details the centrality of puns to *Walden*. I offer this prefatory discussion in order to make clear why much of my subsequent analysis will revolve around an analysis of puns. In Part II, I offer an introduction to the scholarly literature on the idea of mixing oneself with the land, discussing Margaret Jane Radin's theory of "personal" property, as well as Locke's theory of just appropriation (which Radin cites as an example of what she will call

---

11. The land he was on was owned by Emerson. For a detailed discussion of the ownership of Walden Pond, see W. Barksdale Maynard, *Emerson's 'Wyman Lot': Forgotten Context for Thoreau's House at Walden*, 12 CONCORD SAUNTERER 58 (2005).

an “occupancy theory” of property, and which will prove particularly illuminative of *The Bean-Field*). Against this scholarly backdrop, I turn in Part III to an analysis of *The Bean-Field* as a chapter that is built around Thoreau’s expectation of (and partial success in) mixing with the land through labor. In Part IV, I discuss the ways that Thoreau highlights the entrance of the Mexican-American War into *The Bean-Field* as a disruption to his project of mixing with the land, presenting the war as an infection that disrupts his rhetoric of intermixture and infects his understanding of “beans,” the crop with which he has a declared interest in mixing. In Part V, I reflect on the question of why Thoreau might have presented the war with Mexico as undermining or infecting his project of intermixture. I suggest that it might have been because he rejected the political rhetoric declaring Mexico to be no more than a “wild” land. This rejection allowed him to glimpse a dark legacy of conquest in the seemingly virgin land of America, I argue, and it challenged important presumptions in his project of intermixture in the process. At the same time, however, I suggest that this overlap with the war rhetoric allowed Thoreau to make *The Bean-Field* into a parable, providing a cautionary tale for those who saw in the land of Mexico a possibility for a unique relationship to “wild” land. Through this complex interaction between his presumptions about how one builds a “personal” relationship with the land, on the one hand, and his observations of the war effort and its surrounding rhetoric, on the other hand, I will suggest that Thoreau enriches and complicates our understanding of how he (and how people more generally) build “personal” relationships to property.

### I. THOREAU’S PUNS

Before introducing my analysis of *The Bean-Field*, it may be helpful to provide a brief overview of the style of writing found in *Walden*. As scholars have now well documented, *Walden* is an almost obsessively punning text. This characteristic of *Walden* has been remarked upon by scholars for over a century. In 1906, F.B. Sanborn noted that puns “abounded [in Thoreau’s works] almost as much as in Shakespeare.”<sup>12</sup> Half a century later, David Skwire published *A Check List of Wordplays in Walden*, an early attempt to catalogue all of the puns that populate

---

12. F.B. Sanborn, *Introduction* to 6 HENRY DAVID THOREAU, *THE WRITINGS OF HENRY DAVID THOREAU*, at xii (F. B. Sanborn ed., 1906), as quoted in David Skwire, *A Check List of Wordplays in Walden*, 31 AM. LITERATURE 282, 282 (1959).

*Walden*.<sup>13</sup> More recently, Michael West published a book in 2000 that devotes four chapters to the analysis of wordplay in *Walden*.<sup>14</sup> Here is a sample of that analysis, in which West inserts, in brackets, observations of the puns that populate just one small portion of the chapter entitled “Baker Farm:”

John heaved [breathed/dug up] a sigh at this, and his wife stared with arms a-kimbo [regarded me with hands on hips/regarded John without sharing his labor], and both appeared to be wondering if they had capital [financial resources/heads] enough to begin such a course [of action/of studies/of navigation] with, or arithmetic [bookkeeping skill/reckoning longitude] enough to carry it through. It was sailing by dead reckoning [navigation/their dead minds] to them, and they saw not clearly how to make their port so [reach harbor/earn liquor?] . . . .<sup>15</sup>

In this passage, West finds seven puns in less than two full sentences—a finding that is not unrepresentative of the larger book. If the meanings of some of these puns seem nonsensical, that is in part because Thoreau was particularly fond of building puns upon obscure etymologies. The above noted pun on “capital,” for example, alludes to the Latin root of *capitulum*, or “head,” as well as to the modern meaning of “financial resources.” Through puns such as this, it has largely been accepted that Thoreau succeeded in his goal, articulated in an 1851 journal entry, of writing a book that would be “a return to the primitive analogical and derivative sources of words.”<sup>16</sup>

Thoreau was willing to use puns to insert a wide variety of meanings into his work, from the dark and subversive to the comically crass. Stanley Edgar Hyman in 1954 declared that Thoreau’s pun in *A Plea for Captain John Brown*, where Thoreau referred to Brown as “ripe” for the gallows, was “one of the most terrifying puns ever written.”<sup>17</sup> More lightheartedly (but nonetheless subversively), Thoreau was also fond of inserting eschatological humor into his work via puns, as Michael West has documented. The examples from West’s book perhaps best serve to capture the tone of Thoreau’s punning style, and so are worth particular consideration here. Quoting from the opening chapter of *Walden*, West

---

13. Skwire, *supra* note 12.

14. MICHAEL WEST, *TRANSCENDENTAL WORDPLAY* (2000).

15. *Id.* at 454.

16. *Id.* at 28.

17. Stanley Edgar Hyman, *Thoreau in Our Time*, in *THOREAU: A CENTURY OF CRITICISM* (Walter Harding ed., 1954).



explains:

[Thoreau's] discussion of shelter in "Economy" is [largely] at the reader's expense: "As for a habitat, if I were not permitted still to squat, I might purchase one acre [as cheaply as the land which I cultivated] . . . . But as it was, I considered that I enhanced the value of the land just by squatting on it." Very few readers catch the joke—that Thoreau's privy, genteelly neglected in *Walden*'s account of his construction projects, was not always used, and that squatter's rites of any sort served to manure and so improve Emerson's woodlot.<sup>18</sup>

An awareness of this punning quality of Thoreau's work is tremendously helpful to any reader of Thoreau; such an awareness opens up another layer of meaning embedded within the text, and it cultivates in the reader an appreciation for the dry tone in which such puns are consistently delivered. However, the fact that Thoreau builds his work around such puns means that readings of *Walden* often will be suggestive rather than conclusive, attempting to elaborate the ways that Thoreau builds meaning out from central, governing puns in the text. One of my goals in the subsequent pages will be to explain the meaning embedded in one such governing pun: the "bean" of Thoreau's chapter *The Bean-Field*.

## II. RADIN, LOCKE, AND THE THEORY OF INTERMIXTURE

*The Bean-Field* is centrally devoted to Thoreau's labor as a farmer at Walden Pond,<sup>19</sup> and in ways that I will subsequently explain, the chapter can be read as using puns to conduct an extended inquiry into whether

---

18. WEST, *supra* note 14, at 446.

19. A variety of scholars have noted in recent years that *Walden* generally, and *The Bean-Field* specifically, is an exploration of the possibility of relating to the land through labor. This quality of Thoreau's work has sometimes simply been noted as one aspect of a broader pastoral trend in Thoreau's writing. See, e.g., LEO MARX, *THE MACHINE IN THE GARDEN* 82-83 (2d ed. 1968). As Timothy Sweet explains in *American Georgics*: "[T]his problem [of relating to nature through labor], to the extent that it has been taken up in American literary studies, has generally been thought to lay within the domain of the *pastoral* tradition—and [it] has been theoretically bound up with pastoral in a mutually defining relationship . . . ." TIMOTHY SWEET, *AMERICAN GEORGICS: ECONOMY AND ENVIRONMENT IN EARLY AMERICAN LITERATURE* 2 (2002). Yet as Sweet explains, the pastoral, with its emphasis upon a passive, vision-based relationship to nature, differs in important ways from what he calls "the georgic," a term he employs because "[w]here in the *Eclogues* Virgil understands the natural world primarily as a site of leisure, in the *Georgics* he understands it primarily as a site of labor." *Id.* Sweet opens his analysis of American georgics with a brief analysis of *The Bean-Field*, and my analysis follows his in suggesting that connecting to the land through labor is the central theme of this chapter. For additional studies supporting this view, see BUELL, *supra* note 9, at 391; and Newman, *supra* note 10, at 531.

Thoreau might be able to connect to the land through farming. In his expectation that the labor of farming might allow for a relationship to the land that is so intimate it blurs the line between laboring person and labored-upon property, Thoreau seems to embrace a theory of subject-object relations that bears important similarities to what Margaret Jane Radin has called a theory of “personal” property. Radin’s theory of personal property, along with some of the precedents she cites for this theory (most notably, John Locke’s *Second Treatise*), is therefore helpful in providing some conceptual clarity to Thoreau’s text. As such, a brief tour through Radin’s theory of personal property can provide context to *The Bean-Field* and to its central metaphor of the “bean.”

Over the course of several essays and books, the most famous of which is undoubtedly her 1982 essay entitled “Property and Personhood,” Margaret Jane Radin has attempted to outline what she has elsewhere called a “personality theory of property.”<sup>20</sup> According to this theory, there is an important distinction between “fungible” property, which is “property that individuals are not attached to except as a source of money,” and “personal” property, which is “the kind of property that individuals are attached to as persons.”<sup>21</sup> Radin does not pretend to have invented the category of personal property; rather, she presents herself as bringing to the fore an idea that has been embedded in a “theoretical heritage” that includes Locke, Kant, Hegel, and Marx.<sup>22</sup>

When Radin speaks of property to which individuals are “attached,” she is referring to property that is constitutive of the owner’s identity (or “personhood”) in some way. As she explains in “Property and Personhood,” some “objects are closely bound up with personhood because they are part of the way we constitute ourselves as continuing personal entities in the world.”<sup>23</sup> A person’s identity is not simply

---

20. MARGARET JANE RADIN, *Property and Pragmatism*, in REINTERPRETING PROPERTY I (1993). In my discussion of Radin’s theory, I will draw upon two different essays by Radin which were written many years apart. Her 1993 essay, “Personhood and Pragmatism,” was in large part an attempt to clarify and refine the arguments made in “Personhood and Property,” but it undoubtedly also modified some of her earlier claims. Specifically, Radin’s 1993 understanding of the relationship between personhood and property integrated a healthy dose of pragmatist theory to offer a more fully developed vision of subject-object relations than is found in the 1982 work. The core concept of personal property, which is my focus in this essay, appears to have remained constant throughout Radin’s evolving scholarship.

21. *Id.* at 2.

22. *Id.* at 6.

23. MARGARET JANE RADIN, *Property and Personhood*, in REINTERPRETING PROPERTY, *supra* note 20, at 35, 36 (1993).

something embedded in that person at birth, Radin suggests, nor is it something that is forged in the isolation of one's mind. Rather, Radin says, a person's identity is built in part through the relationships that person develops with certain privileged objects that he or she possesses (such as a wedding ring or a house, to name two of Radin's examples). According to this theory, such objects not only are important to a person; they are *a part of* that person. As she puts it: "The premise underlying the personhood perspective is that to achieve proper self-development—to be a *person*—an individual needs some control over resources in the external environment."<sup>24</sup> When a person loses a piece of personal property, therefore, the harm is more intimate and more damaging than our conventional property laws tend to acknowledge; harm is done not only to the person's pocketbook, but to his or her very identity.

By turning to the idea of personal property, Radin thus highlights the flexibility or permeability of the boundary between person and property, or between subject and object. As Radin explains: "My view is that our culture of property in its relationship to persons is best understood as blurring the traditional subject/object dichotomy . . . . The border between 'inside' and 'outside' is not usefully conceptualized as a permanent fissure in the universe."<sup>25</sup> When we define the self as an immaterial cognitive or spiritual essence, or when we think of the self as wholly contained within a physical body, Radin suggests, we become inattentive to the vital ways in which people's identities are necessarily constructed in dialogue with the objects that populate the surrounding world.

This focus upon the permeability of the subject/object boundary leads Radin to examine the ways that this boundary is traversed in both directions, with characteristics of objects passing into people's identities even as these same people are projecting aspects of themselves onto objects.<sup>26</sup> In "Personhood and Property," Radin examines the latter movement in part through her examination of "occupancy theor[ies]," a label she uses for theories which assert that aspects of the person can pass into and "occupy" objects in the surrounding world. "Occupancy theor[ies]" thus assert that some quality or trait that originates within the

---

24. *Id.* at 35.

25. RADIN, *supra* note 20, at 10.

26. As Radin puts it, "What exists 'inside' a person doesn't spring from nothing; it is constructed out of interactions with other people and things . . . . [and w]hat exists 'outside' a person isn't a timeless and mind-independent absolute; it is constructed out of the perspectives of culture as we meet problems and create tools . . . to solve them." *Id.* at 10.

self can travel outward into the world to become embedded in an object.<sup>27</sup> The object becomes occupied by some aspect of the self, and this act of occupation allows the self to be fully realized in a way that would not otherwise be possible.

When analyzing Hegel's concept of "the will," for example, Radin focuses attention on the idea that "the owner's will [can become] present in the object,"<sup>28</sup> leading Hegel to believe that, in Radin's words, the will becomes "embodied in things."<sup>29</sup> Radin offers this example not because she is specifically interested in Hegel's notion of "the will," but because Hegel suggests through this concept that people realize themselves in part by projecting or extending aspects of themselves into the objects that populate their world. In most of Radin's examples, as in Radin's own theory, this act of projection is seen as creating a privileged relationship between subject and object, an organic connection that society ought to respect through its property laws.

As Radin documents in "Property and Personhood," the category of "occupancy theor[ies]" makes strange bedfellows of writers and philosophers who otherwise disagree about a great deal. On the one hand, she observes, there is a strong strand of occupancy theory in eighteenth and nineteenth century German philosophy, with various iterations appearing in the Idealist philosophies of Kant and Hegel, as well as in Marx's writings. As Radin puts it:

My view that persons can become bound up with external objects can be related to Hegel, who argued in his *Philosophy of Right* that placing the will into an object takes the person from abstract to actual. It can also be related to Kant, who argued in his *Rechtslehre* that property was necessary to give full scope to the free will of persons: they must have control over objects in order fully to constitute them as persons. Indeed the view can be related as well to Marx, who thought that we become fully human through working up the world outside us.<sup>30</sup>

Given Emerson and Thoreau's interest in German Idealist thought (as mediated in part by Coleridge),<sup>31</sup> one might suspect that any trace of an

27. See RADIN, *supra* note 23, at 45.

28. *Id.*

29. *Id.* at 47.

30. RADIN, *supra* note 20, at 7.

31. For a discussion of this intellectual lineage, see, for example, Barbara Packer, *The Transcendentalists*, in 2 THE CAMBRIDGE HISTORY OF AMERICAN LITERATURE 350-61 (Sacvan Bercovitch ed., 1995).

occupancy theory to be found in Thoreau's writing is attributable to its presence in the work of Kant and Hegel. Indeed, this may be largely true. At the same time, however, Radin notes in passing that Locke's theory of just appropriation can be regarded as an occupancy theory,<sup>32</sup> and in the end it is Locke's occupancy theory that *The Bean-Field* will resemble most closely. As such, Locke's theory of just appropriation warrants brief consideration here.

In chapter five of *The Second Treatise of Civil Government*, John Locke famously set out to defend the idea that individuals could justly remove things from "the great common of the world"<sup>33</sup> and convert such things to private property. In order to accomplish this defense, Locke offered something akin to what Carol Rose has labeled a "concocted history of property,"<sup>34</sup> providing a mythic origin story that at once attempted to describe and to justify the emergence of private property rights. Locke's story was structured around a biblically-inflected view of time that presented the history of property as bifurcated into a prelapsarian period of overabundance,<sup>35</sup> on the one hand, and a postlapsarian period constrained by scarcity and altered by factors such as the rise of governments, laws, money, and commerce, on the other hand.<sup>36</sup> Conveying the distinction between these two time frames appears to have been important to Locke, for he believed that a different set of rules governed property acquisition "in the beginning" than governed in a modern, complex society.<sup>37</sup>

In the *Second Treatise*, Locke therefore defends the right to private property that he suggests existed prior to the onset of scarcity. Here, Locke reasons:

Though the earth, and all inferior creatures, be common to all

---

32. RADIN, *supra* note 23, at 45.

33. JOHN LOCKE, *THE SECOND TREATISE OF CIVIL GOVERNMENT*, ch. 5, § 35, at 17 (Barnes & Noble Publishing Co. 2004) (1690).

34. Carol M. Rose, *Canons of Property Talk, or, Blackstone's Anxiety*, 108 YALE L.J. 601, 606 (1998).

35. In the course of the chapter, Locke five times invokes the biblical phrase "in the beginning" in order to refer to this originary state of man, and he several times references Adam in order to conjure this prelapsarian period.

36. According to Locke: "It is true, in land that is common in England, or any other country, where there is plenty of people under government, who have money and commerce, no one can inclose or appropriate any part, without the consent of all his fellow commoners; because this is left common by compact, i.e. by the law of the land, which is not to be violated . . ." LOCKE, *supra* note 33.

37. *See id.*

men, yet every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it, that excludes the common right of other men: for this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others.<sup>38</sup>

In this well-known passage, Locke begins by asserting that “labour” is something which inheres in the body of the individual; it is “[t]he labour of his body” and “the work of his hands,” and these “are properly his.” Yet through the act of laboring, Locke’s rhetoric suggests, a boundary is transgressed. When one labors upon an object, one “mixe[s] his labour with” that thing, “join[s] to it something that is his own,” and “hath by this labour . . . annexed [something] to it.”<sup>39</sup> This passage is somewhat difficult to parse, given that “labour” is used both as a verb and a noun throughout; the thing being performed is “labour,” in other words, and the thing that is “annexed to” the object of these efforts is also “labour.” Nonetheless, the overall movement of “labour” in this passage is clear: it begins as a trait that inheres in a person’s body, then it becomes mixed with the object of one’s labor, and finally it becomes annexed to the object labored upon. “Labour” here transgresses the boundary from creator to created thing, from laborer to the object of one’s labor, infusing the object worked upon with a characteristic that is recognizable as an aspect of the maker from which it issued. At the least, therefore, Locke’s origins tale seems to suggest the possibility that labor could serve as a bridge between a worker and the thing worked upon, allowing for a “mixing” that could lead the worker to see in his or her work product an extension of him or her self.

### III. KNOWING BEANS: INTERMIXTURE IN WALDEN

During his stay at Walden Pond, Thoreau’s main labor was as a farmer, and in *The Bean-Field* Thoreau takes on the task of writing about this

---

38. *Id.* § 26, at 17.

39. *Id.*

work. As in most chapters of the book, *The Bean-Field* reveals Thoreau's ongoing attempt to connect with the surrounding natural world, but in this chapter Thoreau specifically focuses on the possibility of building a relationship with the natural world through labor. For Thoreau, his relationship with nature was to be forged in part through work with and on the land; living "in a house which [he] had built [him]self" and "earn[ing his] living by the labor of [his] hands only,"<sup>40</sup> Thoreau here presents the discovery of natural truths as difficult labor which requires active participation. In *The Bean-Field*, therefore, he goes to great lengths to remind us of the amount of labor involved in his farming endeavors. He informs us that his beans were "seven miles already planted,"<sup>41</sup> and most of the chapter describes the effort of maintaining this expansive crop. "What was the meaning of this so steady and self-respecting, this small Herculean labor, I knew not," he says.<sup>42</sup> "This was my curious labor all summer . . . ."<sup>43</sup> And as he says in a representative passage:

Removing the weeds, putting fresh soil about the bean stems, and encouraging this weed which I had sown, making the yellow soil express its summer thought in bean leaves and blossoms rather than in wormwood and piper and millet grass,—this was my daily work. As I had little aid from horses or cattle, or hired men or boys, or improved implements of husbandry, I was much slower and became much more intimate with my beans than usual. But labor of the hands, even when pursued to the verge of drudgery, is perhaps never the worst form of idleness. It has a constant and imperishable moral, and to the scholar it yields a classic result. A very *agricola laboriosus* was I to travelers bound westward . . . they sitting at their ease in gigs, with elbows on knees, and reins loosely hanging in festoons; I the home-staying, laborious native of the soil.<sup>44</sup>

Throughout the chapter, Thoreau even seems to hold some contempt, or at least some pity, for the "travelers [who sit] at their ease in gigs" and can only passively observe the landscape.<sup>45</sup> One way to read *The Bean-*

---

40. THOREAU, WALDEN, *supra* note 2, at 1.

41. *Id.* at 122.

42. *Id.* at 123.

43. *Id.*

44. *Id.* at 125.

45. As Lance Newman explains in his 2003 article, *Thoreau's Natural Community and Utopian Socialism*: "Thoreau is anxious to point out that the travelers, of whose gaze he is so aware, ride in gigs, not wagons. They are newly wealthy Bostonians, headed to recently acquired country estates where they will dine on lawns mowed by hired hands. Thoreau tells us twice that he, on the other

*Field*, therefore, is to see it as Thoreau's attempt to move away from the vision-based relationship to nature found in some other parts of *Walden* in order to examine the possibilities that inhere in the work of farming. It is his attempt to discover what relationship to nature, if any, he can build by laboring in the soil.<sup>46</sup>

This analysis begs the question: what relationship to the land is opened up by Thoreau's labor? In the most glowing and affirmative passages in *The Bean-Field*, Thoreau repeatedly reveals a Lockean belief that his labor is allowing him to mix with the land that he farms. This is evident, for example, in the pun on the word "know" that is hidden in Thoreau's famous declaration: "I was determined to know beans."<sup>47</sup> We can read this determination not only as Thoreau's commitment to "know" beans in the intellectual sense, but also to "know" them in the sexualized sense of mixing or joining with them.<sup>48</sup> This reading is robustly supported by the romantic and sexual rhetoric that accompanies Thoreau's early depictions of his relationship with his crop. "I came to love my rows" of beans,<sup>49</sup> he says; "I cherish them."<sup>50</sup> "[W]hat fertility is in the soil itself, which for the most part is lean and effete," he reflects.<sup>51</sup> "As I had little aid from . . . improved implements of husbandry, I was much slower, and became much more intimate with my beans than usual," and it was an "intimate and curious acquaintance" that he sought with his crop, Thoreau tells us.<sup>52</sup>

All of this helps to prepare the reader for Thoreau's declared interest in "knowing" beans, a statement which more fully reads: "[It was a] long acquaintance which I cultivated with my beans, what with planting, and hoeing, and harvesting . . . [and] I might add eating, for I did taste. I was

---

hand, belongs here because he is 'laborious.'" Newman, *supra* note 10, at 531 (citations omitted).

46. I am here emphasizing the labor or work aspect of *The Bean-Field* in part to separate this analysis from Leo Marx's pastoral analysis of other sections of *Walden*. As I previously observed, Marx emphasizes the pastoral—both in *Walden* and elsewhere—as vision-based and passive. See *supra* note 19. As such, Marx sees Locke's *Essay Concerning Human Understanding* as the Lockean text that provides the most relevant precedent to *Walden* and to other eighteenth and nineteenth century pastoral works. See MARX, *supra* note 19, at 82-83. By contrast, I believe that *The Bean-Field* is better understood as entangled in—and responding to—the ideas Locke propounds in the *Second Treatise*.

47. THOREAU, WALDEN, *supra* note 2, at 128.

48. As the *Oxford English Dictionary* puts it, this meaning of "know" is defined as "To have sexual intercourse with." *Know*, v., OXFORD ENGLISH DICTIONARY ONLINE, <http://www.oed.com/viewdictionaryentry/Entry/104157> (last visited Apr. 28, 2011).

49. THOREAU, WALDEN, *supra* note 2, at 123.

50. *Id.* at 124.

51. *Id.*

52. *Id.* at 125.



determined to know beans.”<sup>53</sup> Here, by adopting the tone of reluctant confession that he “did taste,” Thoreau prepares his statement of “knowing” beans by suggesting the transgression of vaguely sexual boundaries—a suggestion reinforced by what is perhaps an Edenic allusion to the connection between consumption and sexual transgression.<sup>54</sup>

The idea that Thoreau is intentionally analogizing his labor on the land to marriage or sex, and that he is doing so to suggest a blurring of the division between person and property, is further supported by Thoreau’s journals. According to Thoreau scholar Robert D. Richardson, the fall of 1851 was a time when Thoreau brought great creative energy and clarity to *Walden*, a time that was anticipated by the entries Thoreau wrote in his journal in August of 1851. As Richardson says of these journal entries: “Thoreau was about to enter another of his great creative phases, undertaking the total revision and reshaping of the *Walden* manuscript,” making “the mood [of these journal entries] prophetic.”<sup>55</sup> In one such journal entry, Thoreau spoke about the relationship he sought with nature, and the metaphors he uses to describe that relationship are telling. On August 21, 1851, Thoreau wrote:

What a faculty must that be which can paint the most barren landscape and humblest life in glorious colors! . . . The intellect of most men is barren. They neither fertilize nor are fertilized. It is the marriage of the soul with Nature that makes the intellect fruitful, that gives birth to imagination.<sup>56</sup>

Here, Thoreau begins by asserting the possibility that people might have an internal faculty which they can project out into the external world, allowing them to “paint the most barren landscape and humblest life in glorious colors.” Moreover, he suggests the possibility that just as a person’s internal faculty can project life and vigor into the surrounding world, so can the external natural world penetrate the mind in order to “give birth to imagination.” Consequently, he holds out the hope that a person’s intellect can both “fertilize” and be “fertilized” by the natural world, giving birth to aspects in each that might not form (and perhaps

---

53. *Id.* at 128.

54. For more on the Edenic undertones of *Walden*, see, for example, R.W.B. Lewis’s classic study, *THE AMERICAN ADAM: INNOCENCE, TRAGEDY AND TRADITION IN THE NINETEENTH CENTURY* 20-27 (1955).

55. ROBERT D. RICHARDSON, *THOREAU: A LIFE OF THE MIND* 248 (1986).

56. THOREAU, *JOURNAL*, *supra* note 7, at 247.

cannot form) in isolation. It is this theory of productive, sexualized commingling that Thoreau here describes with the somewhat euphemistic metaphor of “marriage.”

In this passage from Thoreau’s journal, one can thus see the metaphors of marriage and of sexual union being used to explore the possibility that the boundaries between soul and natural world, or between subject and object, are not fixed and rigid. Thoreau here uses metaphors to suggest that these boundaries instead are permeable, and to consider the possibility that the transgression of these boundaries might be essential to our constitutions as complete persons. In this aspect, the journal entry from this important time period underscores the idea that the sexual rhetoric found in *The Bean-Field* is operating as a vehicle for Thoreau’s interest in mixing with the land through labor.

Through a rhetoric that analogizes his bean field to a sexual partner and that emphasizes stereotypically feminine traits such as the land’s fertility, Thoreau seems to be turning to what Annette Kolodny has described as “probably America’s oldest and most cherished fantasy: a daily reality of harmony between man and nature based on an experience of the land as essentially feminine.”<sup>57</sup> As Kolodny details, the metaphor of “the land as woman [and as] the total female principle of gratification” had been applied to America with notable consistency and emphasis ever since the 1500s, first by European explorers and colonists and then, with the establishment of the United States, by Americans themselves.<sup>58</sup> A way of deploying gender norms to describe the seemingly overabundant fertility offered by the American climate, as well as the apparent innocence of a natural world yet to undergo the topographic transformations wrought by western agriculture, it was a metaphor that seemed to many to capture the distinct possibilities inherent in the continent. It was the gendering of what Henry Nash Smith has described as the myth of “agricultural expansion into an empty, fertile continent,” a land figured as “the Garden of the World.”<sup>59</sup> And as Kolodny makes clear, this metaphor often carried with it the hope of “an almost erotic intimacy in the bond of man and

---

57. ANNETTE KOLODNY, *THE LAY OF THE LAND: METAPHOR AS EXPERIENCE AND HISTORY IN AMERICAN LIFE AND LETTERS* 4 (1975).

58. *Id.* This metaphor also often (and perhaps necessarily) carries with it troubling implications of imperial conquest and violence. For a discussion of the way my argument intersects with Anne McClintock’s version of this argument, see *infra* note 134.

59. HENRY NASH SMITH, *VIRGIN LAND: THE AMERICAN WEST AS SYMBOL AND MYTH* 12 (1950).

soil.”<sup>60</sup> It is this hope, long ascribed to the North American continent by the time of *Walden*, that we can see Thoreau leveraging and drawing upon in *The Bean-Field*.

All of this suggests that when Thoreau tells us in this chapter that he was “devoted to husbandry,” he intends the wordplay on the term “husband.” He is interested in producing a union with the land, and he figures this union as a form of sexualized commingling. As Thoreau puts it: “I came to love my rows, my beans . . . . They attached me to the earth, and so I got strength like Antæus . . . .”<sup>61</sup> Through the rhetoric of intermixture, Thoreau suggests that he is “attached . . . to the earth” in a constitutive sense that gives him his strength; he is “like Antæus,” the giant in Greek mythology who drew his strength and vitality from remaining in contact with the ground. Thoreau’s attachment thus appears to be a connection of the sort discussed by Radin when she describes personal property as “the kind of property that individuals are attached to as persons.”<sup>62</sup>

#### IV. SPITTING A MEXICAN: FAILURE OF INTERMIXTURE AND THE MEXICAN-AMERICAN WAR

Even while Thoreau is developing this vision of himself as commingling with the land, however, he is simultaneously providing the reader with suggestions that this vision is breaking down. By examining how Thoreau undermines his own aspiration to intermix with the land, we can begin to develop a more complete reading of *The Bean-Field*. This breakdown begins to become visible when we see *The Bean-Field* in light of the pastoral structure that the critic Leo Marx has found elsewhere in *Walden*. Marx speaks in *The Machine in the Garden* of a pastoral hope that America might serve as a virgin land of new cultural beginnings. The pastoral ideal has served western authors for centuries, Marx claims, providing what he calls a “way of ordering meaning and value,”<sup>63</sup> a “literary commonplace[.]”<sup>64</sup> and a “metaphoric design”<sup>65</sup> which he believes canonical western authors to be continually drawing upon and

---

60. *Id.* at 27.

61. *Id.* at 123.

62. RADIN, *supra* note 20, at 2.

63. MARX, *supra* note 19, at 4.

64. *Id.* at 17.

65. *Id.* at 16.

reshaping.<sup>66</sup>

According to Marx, the pastoral commonly begins with the trope of a retreat from society and an escape into an “idyllic vision” of a world of natural bounty and harmony,<sup>67</sup> thereby “express[ing] something of the yearning for a simpler, more harmonious style of life, an existence ‘closer to nature,’ that is the psychic root of all pastoralism.”<sup>68</sup> As Marx details, Thoreau’s depictions of his own retreat into nature in *Walden* fit this pastoral template extremely well, with Thoreau staging the conventional retreat from society and turning to a rural scene as the site of potential escape and renewal.<sup>69</sup>

This retreat into a rural, pastoral scene is the first defining feature of the literary pastoral, allowing for an escape from the complexities of contemporary society. The second crucial feature, Marx says, is the irruption of “the machine” into this idyllic scene. Particularly in American literary works, he argues, machines such as locomotives consistently function as “sudden, shocking intruder[s]”<sup>70</sup> that serve to represent an “alien world encroaching from without”<sup>71</sup> and the “encroaching world of power and complexity or, in a word, history.”<sup>72</sup> These machines are the “incursion of history”<sup>73</sup> into an otherwise ahistorical scene of fantasy and social escapism. According to Marx, this mechanistic intrusion usually is

66. While Marx’s argument has had a vast influence in the decades since its publication, not all have agreed that Marx successfully identified a common “metaphoric design” that exists across a variety of pastoral works. Lawrence Buell praises much in Marx’s book, for example, but argues that uses of the pastoral are more varied and internally conflicted than is implied by Marx’s notion of a “metaphoric design.” See BUELL, *supra* note 9, at 36-52.

67. MARX, *supra* note 19, at 25.

68. *Id.* at 6. Insofar as this “yearning” is understood to be an implicit critique of contemporary society, Marx can be read as portraying pastoral authors as opposed to and dissenting from mainstream society. Many have subsequently criticized this aspect of Marx’s work, arguing that such authors are better understood as hegemonic perpetrators of cultural norms rather than as critical dissenters. For a helpful summary of this evolution of scholarship on the pastoral, see BUELL, *supra* note 9, at 33-36. Buell himself thinks that the pastoral structure can be employed to either end, and that one must look at each text on a case-by-case basis in order to determine its ideological valence. In Parts IV and V of this Note, I argue that *The Bean-Field* tends more toward critique than complicity with regard to the Mexican-American War, an unsurprising fact given Thoreau’s well-known opposition to the war. However, I will also suggest that the placement of the chapter within the larger context of *Walden* tempers this critique and reveals a more complex blend of critique and complicity.

69. For a more recent discussion of this pastoral aspect of *Walden*, see Joy Greenberg, *Paradox, Place, and Pastoralism in the Works of Theocritus, Virgil, and Thoreau*, 2 J. STUD. RELIGION NATURE & CULTURE 443 (2008).

70. MARX, *supra* note 19, at 29.

71. *Id.* at 21.

72. *Id.* at 24.

73. *Id.* at 21.

“made to appear with startling suddenness,” often in the form of “ominous sounds,”<sup>74</sup> and it “invariably is associated with crude, masculine aggressiveness.”<sup>75</sup> As a result of this intrusion, Marx claims, the story changes; operating as a “check against idyllic fantasies,” the machine’s introduction means that “tension replaces repose [as] the noise arouses a sense of dislocation, conflict, and anxiety.”<sup>76</sup>

Marx’s concept of the pastoral provides some guidance as we attempt to make sense of *The Bean-Field*. Thoreau’s quaint farming tale is briefly interrupted by his description of the sounds from the “gala days [when] the town fires its great guns, which echo like popguns to these woods.”<sup>77</sup> The martial sounds that interrupt Thoreau’s farming are in some ways the same trope of the machine that Marx finds Thoreau deploying in other parts of the book. Prior to the intrusion of these sounds, the chapter is devoted entirely to Thoreau’s labor in the field; it is to that point a relatively quaint agrarian tale of Thoreau’s attempt to grow beans during his first summer at Walden Pond. The only characters at this point of the chapter are Thoreau and the land which he works—at least, until Thoreau offers his account of the sounds of military training:

On gala days the town fires its great guns, which echo like popguns to these woods, and some waifs of martial music occasionally penetrate thus far. To me, away there in my bean-field at the other end of the town, the big guns sounded as if a puffball had burst; and when there was a military turnout of which I was ignorant, I have sometimes had a vague sense all the day of some sort of itching and disease in the horizon, as if some eruption would break out there soon . . . .

. . . .

I felt proud to know that the liberties of Massachusetts and of our fatherland were in such safe keeping; and as I turned to my hoeing again I was filled with an inexpressible confidence, and pursued my labor cheerfully with a calm trust in the future.

When there were several bands of musicians, it sounded as if all the village was a vast bellows, and all the buildings expanded and collapsed alternately with a din. But sometimes it was a really noble and inspiring strain that reached these woods, and the

---

74. *Id.* at 15.

75. *Id.* at 29.

76. *Id.* at 16.

77. THOREAU, WALDEN, *supra* note 2, at 127.

trumpet that sings of fame, and I felt as if I could spit a Mexican with a good relish . . . .<sup>78</sup>

Thoreau's "inexpressible confidence" in the troops, his "calm trust in the future," and his swelling sense that he could "spit a Mexican with a good relish" are generally read to be ironic,<sup>79</sup> given Thoreau's well-known and passionate contempt for the war effort.<sup>80</sup> This reading is robustly supported by the text, as the descriptive terms which Thoreau uses to portray these sounds clearly steer the reader toward the feeling that the "alien world encroaching from without"<sup>81</sup> was one designed to "arouse[] a sense of dislocation, conflict, and anxiety,"<sup>82</sup> as Marx would phrase it. According to Thoreau, the martial sounds "echo like popguns"; they create "a vague sense all the day of some sort of itching and disease in the horizon," and they produce a sound of "all the buildings expand[ing] and collaps[ing] alternately with a din."<sup>83</sup> These are not sounds that inspire confidence; they are ominous and sudden sounds, and their direct association with the Mexican-American War "associate[s them] with crude, masculine aggressiveness"<sup>84</sup> and with an "incursion of history"<sup>85</sup> of precisely the sort anticipated by Marx.

In all these senses, the martial noises that explode into *The Bean-Field* seem to represent a "sudden, shocking intruder"<sup>86</sup> who punctures the quaint myth of intermixture that Thoreau was developing in the chapter. According to Marx, an "incursion of history" in the industrial context that is typical of pastoralism serves a specific function: it signals that the myth of a rustic, preindustrial world being expounded is fundamentally incompatible with the historical reality that has intruded into the scene. It seems that the martial sounds of *The Bean-Field* similarly serve to undermine the mythic vision expounded in this chapter—namely, the idyllic hope of an organic intermixture with the land.

*The Bean-Field* thus seems to use a reference to the sounds of military

---

78. *Id.* at 127-28.

79. See, e.g., SANDRA HERBERT PETRULIONIS & LAURA DASSOW WALLS, MORE DAY TO DAWN: THOREAU'S WALDEN FOR THE TWENTY-FIRST CENTURY 61 (2007); Brian Walker, *Thoreau on Democratic Cultivation*, 29 POL. THEORY 155, 162 (2001).

80. For a discussion of Thoreau's published statements against the war, most notably those found in his now-famous essay, *Resistance to Civil Government*, see *infra* Part V.

81. MARX, *supra* note 19, at 21.

82. *Id.* at 16.

83. THOREAU, WALDEN, *supra* note 2, at 127-28.

84. *Id.* at 29.

85. *Id.* at 16.

86. *Id.* at 29.

training to create a pastoral structure of myth-and-disruption akin to that which Marx found elsewhere in *Walden*. This reading gains support from the metaphors of infection and contagion that Thoreau uses to portray the entrance of these sounds into his chapter. As Brian Walker noted in his 2001 article, *Thoreau on Democratic Cultivation*:

The explosions of gunfire of the village patriots are compared [by Thoreau] to a puffball releasing its spores, to scarlatina, and to canker rash. The horizon “itches” with this sense of proximate outbreak, and Henry Thoreau, out in his field, stands up to find that the militarism has infected him as well. . . .<sup>87</sup>

The sound of gunfire here functions as a noxious, threatening intruder that enters from without in order to undermine or infect what had previously appeared to be a healthy, tranquil scene. The metaphor of infection thus underscores the Marxian role of the martial sounds in this passage, portraying these sounds as invasive and unwelcome threats that serve to attack or challenge the basic project of *The Bean-Field* rather than to further it.

Moreover, it is possible that Thoreau’s central symbol in this chapter—the “bean”—similarly shows signs of this infection. As I have already discussed, Thoreau’s expectation of intermixture is embodied in his famous declaration that he was “determined to know beans”; according to this reading, Thoreau’s bean crop becomes representative of his larger aspiration to commingle with the land upon which he labors. Yet with the entrance of martial sounds, we can also see the symbol of the bean becoming infected with traces of the war with Mexico. Indeed, there is a particularly well-constructed pun embedded in Thoreau’s one explicit reference to the Mexican-American War, a pun that serves to associate “beans” with the war and with the disruption of Thoreau’s project of intermixture.

In the paragraph in which martial sounds burst into *The Bean-Field*, Thoreau reflects upon the effect these sounds had upon his mental state, and he concludes after hearing them: “I felt as if I could spit a Mexican with a good relish.”<sup>88</sup> It is generally presumed that “a Mexican” here refers to a person of Mexican descent<sup>89</sup>—and because this seems to be the

---

87. Walker, *supra* note 79, at 162.

88. THOREAU, *WALDEN*, *supra* note 2, at 128.

89. See, e.g., PETRULIONIS & WALLS, *supra* note 79, at 61; HENRY DAVID THOREAU, *WALDEN: A THOROUGHLY ANNOTATED EDITION* 335 (Jeffrey S. Cramer ed., 2004) [hereinafter THOREAU, *WALDEN* ANNOTATED].

only mention of the Mexican people or nation in the text, this one allusion to the Mexican-American War is usually taken to be an isolated, offhand utterance unrelated to the rest of the book.<sup>90</sup> However, what if “Mexican” was yet another pun that Thoreau embedded in the text, referring not only to “Mexican people” but also to “Mexican beans”? What if this was an extension of the chapter’s central theme of “beans” rather than an isolated war reference?

It seems entirely possible that New Englanders such as Thoreau would have had access to the idea of a “Mexican bean” by the time Thoreau published *Walden*. We know that, contemporaneous to Thoreau’s completion of *Walden*, the term “Mexican bean” was emerging into the American vocabulary as a synonym for the older “frijoles”;<sup>91</sup> both terms were used to describe what the Oxford English Dictionary characterizes as “a kind of kidney-bean grown and much used in Mexico.”<sup>92</sup> The Oxford English Dictionary cites appearances of the term “Mexican bean” as occurring in print half a year prior to Thoreau’s publication of *Walden*, with the term appearing in the widely read *De Bow’s Review* in February 1854. The article in *De Bow’s Review* speaks of the bean itself as something of a curiosity, stating that: “While visiting the agricultural department, recently, of the Patent Office, we had the pleasure of witnessing some of these exchanges from South America, Mexico, and from California. From Mexico we saw specimens of the *frijoler*, or Mexican bean . . . .”<sup>93</sup> While the *Review* speaks of this bean as a novelty, it nonetheless characterizes the experience of visiting this Patent Office as one of having “had the pleasure of witnessing some of the agricultural products of California, of which we hear so much from time to time.”<sup>94</sup> Given that—as Thoreau’s former classmate from Harvard, Richard Henry Dana, would observe in his 1840 book *Before the Mast*—“frijoles” were “very abundant in California,”<sup>95</sup> it is reasonable to assume that Thoreau would have been aware of this “Mexican bean.”

---

90. See, e.g., PETRULIONIS & WALLS, *supra* note 79, at 61; THOREAU, WALDEN ANNOTATED, *supra* note 89, at 335.

91. *Mexican*, n. and adj., OXFORD ENGLISH DICTIONARY ONLINE, <http://www.oed.com/viewdictionaryentry/Entry/117774> (last visited Apr. 28, 2011).

92. *Frijoles*, n., OXFORD ENGLISH DICTIONARY ONLINE, <http://oed.com/viewdictionaryentry/Entry/74720> (last visited Apr. 28, 2011).

93. *Art. XXIII.—Agriculture*, DE BOW’S REVIEW, Feb. 1854, at 199.

94. *Id.*

95. *Frijoles*, n., OXFORD ENGLISH DICTIONARY ONLINE, <http://oed.com/viewdictionaryentry/Entry/74720> (last visited Apr. 28, 2011).



This evidence suggests that Thoreau likely would have had access to the term “Mexican” as a possible pun that referred not only to “Mexican people” but also “Mexican bean.” It does very little to show affirmatively that Thoreau actually built this pun into the text, however. We find this more affirmative evidence in the puns surrounding the term “Mexican.” For within the phrase, “I could spit a Mexican with a good relish,” both the terms “spit” and “relish” line up remarkably well with the central pun on “Mexican.” In fact, the term “spit” makes more sense in reference to a bean than it does to a person. It makes a great deal of sense to say that one will “spit” (or cook) some beans; to say that one will “spit” another person is certainly violent, but it is also a somewhat odd threat. Similarly, as early as the 1820s in the United States, the term “relish” had become a term for a condiment eaten with food to add flavor.<sup>96</sup> This definition of relish makes more sense than the general meaning, which simply means that one does something with great enjoyment. This general meaning, which would loosely be read into the sentence as “I could kill a Mexican person with great enjoyment,” renders the term “good” redundant. By contrast, relish as a sauce could be good or bad, producing the need for the term “good” in the sentence. In short, while this declaration by Thoreau is often (and correctly) read as meaning “I could kill a Mexican person with great enjoyment,” it is constructed out of a series of puns which line up remarkably well to also say, in effect, “I could cook Mexican beans in a good sauce.” In a book which was specifically designed to be a densely packed work of punning and wordplay, the fact that three puns converge to produce such a coherent second phrase is unlikely to be coincidence.

The idea that Thoreau was using “Mexican” as a pun for “Mexican bean” introduces a new layer of meaning into Thoreau’s symbol of the “bean” in the chapter. It marks “the incursion of history”<sup>97</sup> into this central, organizing symbol. And if we read Thoreau’s rhetoric of getting to “know” his beans as expressing a hope of intermixture grounded in an occupancy theory of the sort discussed by Radin, then this incursion of a foreign identity into the bean metaphor can be read as marking the disappointment of a certain set of expectations.

Occupancy theories are built upon the expectation that the permeability of the subject/object divide allows a person to project or extend him- or

---

96. *Relish*, n.2, OXFORD ENGLISH DICTIONARY ONLINE, <http://oed.com/viewdictionaryentry/Entry/161981> (last visited Apr. 28, 2011).

97. MARX, *supra* note 19, at 21.

herself into the material world. In Locke's occupancy theory, for example, Locke posited that in a prelapsarian world of overabundance, individuals could labor upon an object and thereby extend their labor into that object, thus "annex[ing]" or "join[ing]" parts of themselves to the thing. Implicit in this extension of oneself, it would seem, is the idea that one can see aspects of oneself reflected in the objects upon which one labors. We see this made explicit in the occupancy theories of Hegel and Marx; for each, though in somewhat different ways, the object of one's labor becomes an objective embodiment of one's inner will or inner self. As Marx puts it in his comments on James Mill's *Elements of Political Philosophy*, this act of occupation makes "[o]ur products [into] so many mirrors in which we [see] reflected our essential nature."<sup>98</sup>

If we read Thoreau's reference to "spit[ting] a Mexican" as inflecting his beans with a "Mexican" identity, then Thoreau's crop, his labor and his love, has in some sense ceased to be a product that resembles him. Rather, it is a crop that is marked as racially and nationally alien to his own identity, and which comes pre-determined as his martial enemy. The appearance of the "Mexican," after all, thrusts Thoreau into a position which we know he did not biographically inhabit: the position of a bloodthirsty, pro-war American. This reference simultaneously positions both Thoreau and the "Mexican" within the oppositional frame of the war. The result is that Thoreau put his labor into the ground, but the crop that emerged was not "so many mirrors" of his "essential nature;" instead, it was a reflection and a reminder of a far-off people with whom his nation was at war.

The occupancy theory of *The Bean-Field* thus gives way to a vision of Thoreau as an occupying force, as Thoreau's crop becomes marked by an alien identity rather than by its reflection of his own traits. This failure of property occupancy could be expected to challenge Thoreau's basic commitment to the notion of intermixture, and indeed, with this failure Thoreau begins to express his ultimate ambivalence about the possibilities of intermixture with his crops. We shift from Thoreau's bold declaration that he "did taste" the beans to his ambivalent wish to "spit a Mexican." Is this bean to be "spit" in terms of being prepared for consumption? Or is it to be "spit" in the sense of "spit out" and thereby rejected from incorporation into his body? In other words, the marking of his "beans" as

---

98. Karl Marx, *Comment on James Mill, Elemens D'Economie Politique* (1845), in 3 KARL MARX: A READER 34 (John Elster ed., 8th ed. 1999) (1986).

racially and nationally other seems to raise a new ambivalence about the project of incorporation and projection. Thoreau “taste[s]” a bean but he “spits a Mexican,” and in this shift we can see Thoreau taking the shifted identity of the bean (from familiar to foreign) and identifying it with a troubling of the “idyllic fantas[y]” of intermixture.

Throughout the chapter, we can see the ambivalence of the metaphor of “spit[ting]” writ large in Thoreau’s oscillating rhetoric.<sup>99</sup> Thoreau with increasing frequency describes the act of farming through the metaphor of waging war. First, he characterizes his garden as comprised of the “auxiliaries” and the “enemies” that threaten his crops.<sup>100</sup> From there, Thoreau describes his activity of gardening as that of “disturbing their [i.e. the plants’] delicate organizations so ruthlessly, and making such invidious distinctions with his hoe, levelling whole ranks of one species, and sedulously cultivating another.”<sup>101</sup> Here, Thoreau plays with the term “species,” paralleling manipulation of a species of plant to manipulation of a “species” of people. Indeed, the conflation of plants with racialized, nationalized people runs through this mini-parable and gives it its force. The first “species” we get is even a national one: the “Roman wormwood,” which will lead to the allusions to classical war that follow. Further, the conflation of plants with combatants continues as the plants become “he” and “him,” with Thoreau narrating his defense of the bean plants with the words, “have at him, chop him up, turn his roots upward to the sun, don’t let him have a fibre in the shade.”<sup>102</sup>

This rhetoric of war is reinforced in the chapter through Thoreau’s allusions to mythical and historical figures. For example, Thoreau calls himself an “*agricola laboriosus*,” a term which labels him as an

---

99. By arguing that *The Bean-Field* is composed of martial rhetoric, on the one hand, and marital/sexual rhetoric, on the other hand, I am here presuming that these two rhetorics, at least as presented in this chapter, are distinguishable and are in some senses opposed to each other. Many have compellingly argued, of course, that in reality sex/marriage and violence/conquest are not so easily separated. My intent here is not to challenge these arguments, and in Part V of this Note, I explain how I understand Thoreau’s attempt to manage this overlap. My aim in the present Part, however, is simply to note that there is a concept of sexual intimacy—whether accurate or not—that figures marital and sexual relations as distinct from and opposed to violence and war, and to suggest that Thoreau is trying to make use of this concept. For analyses that directly engage the larger issue of the sexual politics of *Walden*, see, for example, Milette Shamir, “*The Manliest Relations to Men: Thoreau on Privacy, Intimacy, and Writing*, in *BOYS DON’T CRY?: RETHINKING NARRATIVES OF MASCULINITY AND EMOTION IN THE U.S.* 64 (Milette Shamir & Jennifer Travis eds., 1999); and Michael Walzer, *Walden’s Erotic Economy*, in *COMPARATIVE AMERICAN IDENTITIES: RACE, SEX, AND NATIONALITY IN THE MODERN TEXT* 157 (Hortense J. Spillers ed., 1991).

100. THOREAU, *WALDEN*, *supra* note 2, at 124.

101. *Id.* at 128-29.

102. *Id.* at 129.

industrious farmer, but which also alludes to Gnaeus Julius Agricola, the Roman general responsible for the conquest of much of Britain. Additionally, Thoreau describes weeds in his field as “those Trojans who had sun and rain and dews on their side,” and says of them: “Many a lusty crest-waving Hector, that towered a whole foot above his crowding comrades, fell before my weapon and rolled in the dust.”<sup>103</sup>

This trope of war imposes upon the scene a very different relationship between farmer and nature than that which Thoreau seemed to seek in his determination to “know beans.” Rather than building an intimate, organic connection that allows him to see himself reflected in his beans, Thoreau deploys a war metaphor that positions him as detached from—and even adversarial toward—the land on which he labors. At best, this labor transforms him into a general who manages his plants from on high; at worst, it makes him into a combatant who is opposed to the natural world.<sup>104</sup> Indeed, the latter relationship often triumphs in the passage. A farmer who wanted to mix himself into an organic relationship with the property he cultivated, Thoreau thus finds his relationship to the land here not only to be patterned on a pre-existing form of social relations, but on a violent, martial relationship that he detested. He has raised an alien crop and has found himself to be the enemy of his own land. This marks a significant departure from the initial image of Thoreau as a quaint farmer who felt “love” for his rows.

Much of this war rhetoric, it should be noted, is clearly meant by

---

103. *Id.*

104. I should note that Thoreau sometimes seems to portray himself as an ally of the beans in the field, rather than making himself the enemy of the beans that I see in his attribution of a Mexican identity to the beans. I do not think that Thoreau has fully mapped out a coherent metaphorical vision, with fully determined enemies and allies, that he strategically and coherently implements in *The Bean-Field*. Rather, I think we see Thoreau intuitively associating the war effort with the troubling of his project of intermixture in a way that detaches him from his land. Compared to the possibility of the land serving as sexual companion, even the idea that the land functions as his war ally marks a new division between Thoreau and his land, and the suggestion that the beans might even look to him like an enemy only serves to emphasize and widen this divide. The broader point is that, whether ally or enemy, the beans are not described in these passages via the trope of the domestic sphere which allows for sexualized notions of intermixture. This has been replaced by a trope of war that likely precludes such relationships.

Similarly, one could argue that while some of Thoreau’s metaphors of intermixture present his beans as a sexual partner, some other metaphors appear to make the beans into the offspring of his intermixture with his land. I do not understand this to be Thoreau’s way of making a point about incest, however; rather, it seems symptomatic of Thoreau writing out of an association of the intermixture of farming with a domestic sphere of intimacy that allows for different ways of constituting and defining oneself.

Thoreau to be mock-heroic, as other scholars have noted.<sup>105</sup> This does not change the fact, however, that a shift to the rhetoric of war brings with it a different set of relationships than those conjured by the domestic rhetoric of marriage and sexual union. In fact, the use of an ironic tone reinforces this point, for irony itself suggests a certain detachment from the object of one's discussion; irony and intimacy are to a certain degree mutually exclusive, and by shifting to an ironic tone, Thoreau suggests an abandonment of the project of intimacy that we see in his more exuberant expressions of his desire to "know" beans.

Both the central symbol of the bean and the broad rhetoric of *The Bean-Field* thus seem to reveal traces of the disruption or infection produced by the sounds of soldiers training for the Mexican-American War. If the idyllic hope for a quaint tale of intermixture provides the myth that is disrupted by these contagious martial sounds, then the chapter can be understood in large part as an oscillation between an idyllic property myth and a war effort that intrudes upon this myth. The pastoral structure of myth-and-disruption in *The Bean-Field*, and the infectious quality of the disruption provided by the Mexican-American War, raise two related questions. First, why might Thoreau have framed his aspiration to mix with his land as, in Marx's words, an "idyllic fantas[y]" rather than a tangible option? And second, why would sounds of troops training for the Mexican-American War serve to puncture that fantasy?

#### V. CLEARING THE LAND: LINKING THE FAILURE OF INTERMIXTURE TO THE WAR

There is no answer that unambiguously explains the connection of the war to Thoreau's increasing ambivalence toward the possibility of mixing with the land through labor. One plausible answer, however, grows out of the theory that Thoreau was bound up in a specifically Lockean script. As has been noted, Locke in his *Second Treatise* discusses the possibility of building a primary relationship by mixing labor with the land, and he does so in the context of a mythic period of initial appropriation (a "first peopling of the world" when items were initially removed from the commons). During the Mexican-American War, many in favor of the war argued that the nation's journey into Mexican territory could be understood as roughly analogous to such a "first peopling of the world"—

---

105. See, e.g., Steven Hartman, "The Life Excited:" *Faces of Thoreau in Walden*, in HENRY DAVID THOREAU 202 (Harold Bloom ed., 2007).

that America was, in the words of John O'Sullivan, embarking upon "untrodden space."<sup>106</sup> Thoreau was notoriously opposed to this view, however, and one coherent reading of *The Bean-Field* grows out of the idea that Thoreau's Lockean assumptions led him to equate an awareness of America's history of conquest with a troubling of his project of intermixture.

When Locke attempted in the *Second Treatise* to communicate his vision of an Edenic world of overabundance, he sought an analogy in the world of 1689 and concluded: "Thus in the beginning all the world was America."<sup>107</sup> Locke presumably introduced this analogy because he felt that it clarified his argument rather than complicated it, a fact which reveals that a particular myth of America had taken hold of many English and European minds by the late seventeenth century. By pointing to America as his symbol for an untouched, prelapsarian world, Locke was drawing on a myth that had preceded the composition of his *Second Treatise* in England—a myth that had become central to many Americans' vision of their own nation long before Thoreau's time.

The longstanding existence of this myth was thoroughly detailed by the members of the Myth-and-Symbol School of criticism in the mid-twentieth century. In *Virgin Land*, for example, Henry Nash Smith noted that "one of the most persistent generalizations concerning American life and character is the notion that our society has been shaped by the pull of a vacant continent drawing population westward"<sup>108</sup> into territory figured as "untouched nature"<sup>109</sup> and as a land of "paradisiacal innocence."<sup>110</sup> R.W.B. Lewis also drew attention to the myth of the United States as a "new world [where] a fresh start was literally and immediately possible to anyone wide enough awake to attempt it."<sup>111</sup> Leo Marx noted the longstanding European hope that one might "withdraw from the great world and begin a new life in a fresh, green landscape,"<sup>112</sup> an ideal that intersected with the discovery of America in powerful ways:

---

106. John L. O'Sullivan, *The Great Nation of Futurity*, in 1 MAJOR PROBLEMS IN AMERICAN FOREIGN POLICY 241 (Thomas G. Paterson ed., 1989).

107. LOCKE, *supra* note 33, § 49, at 29.

108. SMITH, *supra* note 59, at 3.

109. *Id.* at 77.

110. *Id.* at 79.

111. LEWIS, *supra* note 54, at 26. Lewis is specifically talking about this myth as deployed by Thoreau in this portion of the text, though he is using Thoreau to illustrate a larger myth that he traces throughout the book.

112. MARX, *supra* note 19, at 3.

[For] now here was a virgin continent! Inevitably the European mind was dazzled by the prospect. With an unspoiled hemisphere in view it seemed that mankind actually might realize what had been thought a poetic fantasy. Soon the dream of a retreat to an oasis of harmony and joy . . . was embodied in various utopian schemes for making America the site of a new beginning for Western society.<sup>113</sup>

Summarizing this conceptual role that had been assigned to America, Marx added that it is “[p]recisely because [America] is untainted by civilization. . . [that] it offers the chance of a temporary return to first things.”<sup>114</sup>

It seems clear that scholars such as Smith, Lewis, and Marx did identify and isolate a myth about the North American continent that was firmly rooted amongst a subsection of writers on both sides of the Atlantic. When Locke associated his vision of original property relations with the state of affairs in “America,” therefore, he evidently was drawing upon a powerful conception of America as a virgin land of possibility and a wilderness still awaiting cultivation—a conception that would continue to grip many thinkers into and through the nineteenth century.

A century and a half after Locke wrote the *Second Treatise*, the United States found itself embroiled in a war that actually would convert a portion of the world into America—not into Locke’s mythic America, that is, but into territory that would be subject to the United States government. The Mexican-American War, begun in 1846 and concluded two years later, resulted in a tremendous acquisition of territory for the United States; the land acquired via this war now encompasses all of present-day California, Nevada, and Utah, as well as parts of present-day Arizona, New Mexico, Colorado, and Wyoming.<sup>115</sup> Regardless of political affiliation or personal views on the war, most who spoke of the war acknowledged that its objective was one of territorial acquisition (except President Polk, who continued to maintain that it was a response to an attack of troops on American soil).<sup>116</sup> The opposing sides in the public debate over the wisdom of the war effort did not focus on whether

---

113. *Id.*

114. *Id.* at 69.

115. PICTURING VICTORIAN AMERICA 83 n.15 (Nancy Finlay ed., 2009).

116. Polk consistently maintained that the war was one of Mexican aggression, even as he ignored efforts by those such as Lincoln to get him to define the spot on American territory where United States troops had been attacked. *See generally* WILLIAM JAY, A REVIEW OF THE CAUSES AND CONSEQUENCES OF THE MEXICAN WAR 35-60 (1853).

or not this war was about acquiring land; rather, they contested the frame within which this acquisition was to be understood. Central to this contest was the continuing myth of the North American continent as a wild land awaiting civilization and cultivation.

To those in favor of the war, the journey into Mexico was appropriately understood as an act of bringing civilization to a wild land. John O'Sullivan wrote: "*We are entering on . . . untrodden space*, with the truths of God in our minds, beneficent objects in our hearts, and with a clear conscience unsullied by the past."<sup>117</sup> For Walt Whitman, Mexico was not a nation founded upon ideals, but a mere assemblage of racially ambiguous people who "*preferr[ed] a home in the wild* to giving up even a trifling principle."<sup>118</sup> In retrospect, the Supreme Court would sometimes adopt this rhetoric as well, saying in the 1859 case of *Luco v. United States*:

There is an interest which in this and many other California cases cannot be overlooked—the interest of bona fide settlers . . . .

The rights of such men must be not only respected, but protected by a just Government. *They are the people who have carried our laws, institutions, and all that make up an empire, into the wilderness*, and subdued it to the purposes of civilization; who, to reach this spot where they were bidden by law, have tempted the dangers of two oceans, or traversed vast spaces of desert, cut off from their old homes by savage mountains and barbarous tribes.<sup>119</sup>

Similarly, the Supreme Court would allude to this cultural figuration in the 1889 case of *Botiller v. Dominguez*, a landmark case in which the Court referred to the cession as: "Most[ly] in a wild state of nature, with very few resident white persons, and very little land cultivated within its limits,"<sup>120</sup> and in which the Court emphasized the "vast wilderness of

---

117. O'Sullivan, *supra* note 106, at 241 (emphasis added). O'Sullivan would additionally bristle at the use of legal distinctions in regard to Oregon, incidentally, leading him to declare: "[W]e have a still better title than any that can ever be constructed out of all these antiquated materials of old black-letter international law. Away, away with all these cobweb tissues of right of discovery, exploration, settlement, continuity, &c. . . ."

118. Walt Whitman, Editorial, *Matters in the South West*, BROOK, EAGLE, & KINGS COUNTY DEMOCRAT, May 6, 1846, reprinted in 1 THE COLLECTED WRITINGS OF WALT WHITMAN: THE JOURNALISM 349 (Herbert Bergman ed., 1998), quoted in Donald E. Pease, *The Mexican-American War and Whitman's "Song of Myself": A Foundational Borderline Fantasy*, in IMMIGRANT RIGHTS IN THE SHADOWS OF CITIZENSHIP 385, 389 (Rachel Ida Buff ed., 2008) (emphasis added).

119. 64 U.S. (23 How.) 515, 521 (1859) (emphasis added).

120. 130 U.S. 238, 240 (1889).



lands unclaimed” within the territories.<sup>121</sup> Rhetoric heard both during and after the war thus embraced the vision, as Henry Nash Smith would put it, of “the Wild West considered as untouched nature,”<sup>122</sup> a “wilderness beyond the limits of civilization.”<sup>123</sup>

To those opposed to the war, however, the conflict with Mexico looked like an unjust act of conquest akin to theft. America was “robbing [the Mexicans] of their country,” according to Joseph Giddings.<sup>124</sup> Robert Toombs believed America was “seizing a country . . . which had been for centuries, and was then in the possession of the Mexicans.”<sup>125</sup> Thoreau agreed with the likes of Giddings and Toombs on this point. In *Resistance to Civil Government*, Thoreau’s now-famous essay from 1849, Thoreau wrote that the Mexican-American War was an effort of conquest rather than a simple journey into the wilderness. By describing the night he spent in jail for refusing to pay his poll tax,<sup>126</sup> Thoreau attempted to diagnose the unjust actions of his government and to prescribe action which individuals could undertake to resist the moral wrongs of their government. Along with slavery, the essay focused upon America’s war with Mexico, stating:

[W]hen the friction comes to have its machine, and oppression and robbery are organized, I say, let us not have such a machine any longer. In other words, when . . . a whole country is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize.<sup>127</sup>

Thoreau added: “This people must cease . . . to make war on Mexico, though it cost them their existence as a people.”<sup>128</sup> In his 1854 essay

121. *Id.* at 249.

122. SMITH, *supra* note 59, at 77.

123. *Botiller*, 130 U.S. at 253.

124. JOSHUA R. GIDDINGS, SPEECHES IN CONGRESS 176, 197 (1853).

125. CONG. GLOBE, 29th Cong., 2d Sess. 140 (1847), as quoted in SIDNEY LENS, THE FORGING OF THE AMERICAN EMPIRE 129 (2003).

126. Many scholars have been quick to observe that Thoreau’s famous refusal to pay his poll tax, and his subsequent night in jail, could not have been the acts of protest against the Mexican-American War that Thoreau made them out to be in *Resistance to Civil Government*. See, e.g., Robert A. Gross, *Quiet War with the State: Henry David Thoreau and Civil Disobedience*, 93 YALE REV. 1 (2005); Gary Scharnhorst & Henry Thoreau, “Conflict of Laws”: A Lost Essay by Henry Thoreau, 61 NEW ENG. Q. 569 (1988). The idea that Thoreau was firmly opposed to the war by the time of the publication of *Resistance to Civil Government* and of his writing and revising of *Walden*, however, seems beyond doubt.

127. THOREAU, WALDEN, *supra* note 2, at 268-69.

128. *Id.* at 269.

*Slavery in Massachusetts*, Thoreau would reiterate this opinion that the war constituted an act of theft, asking rhetorically: “Is this what all these soldiers, all this training, have been for these seventy-nine years past? Have they been trained merely to rob Mexico and carry back fugitive slaves to their masters?”<sup>129</sup>

*Resistance to Civil Government* and *Slavery in Massachusetts* thus make it quite clear that Thoreau did not agree with those arguing that the territory gained through the Mexican-American War was essentially “untrodden space.” These essays suggest that Thoreau was aware of (and engaged in) this rhetorical contest over the war during the years when he was continuously writing *Walden*. Having moved to Walden Pond on July 4, 1845, Thoreau would remain there until September 1847, and he would spend several more years writing and revising the text that would become *Walden, or Life in the Woods* before publishing it in 1854.<sup>130</sup> *Walden* therefore was written and revised during the same years when Thoreau was writing *Resistance to Civil Government* and *Slavery in Massachusetts*—a fact which makes clear that Thoreau was engaged with the debates surrounding the war during the all-important years when he was developing *Walden*.

With these facts in mind, one would expect Thoreau to be particularly skeptical of the American myth of a vacant continent and especially attuned to the idea of America as a nation founded on conquest. It should not be surprising, therefore, that Thoreau in *The Bean-Field* repeatedly digs into the soil at Walden Pond only to find a land that has already been appropriated. Describing the traces and remnants of prior cultures that he finds in the soil around the pond, Thoreau says:

As I drew a still fresher soil about the rows with my hoe, I disturbed the ashes of unchronicled nations who in primeval years lived under these heavens, and their small implements of war and hunting were brought to the light of this modern day. They lay mingled with other natural stones, some of which bore the marks of having been burned by Indian fires . . . and also bits of pottery and glass brought hither by the recent cultivators of the soil.<sup>131</sup>

Thoreau reiterates this observation at another point in the chapter, stating that “in the course of the summer it appeared by the arrowheads

---

129. HENRY DAVID THOREAU, *SLAVERY IN MASSACHUSETTS* 4 (Forgotten Books 2008) (1854) [hereinafter THOREAU, *SLAVERY*].

130. THOREAU, *WALDEN ANNOTATED*, *supra* note 89, at 335.

131. THOREAU, *WALDEN*, *supra* note 2, at 126.

which I turned up in hoeing, that an extinct nation had anciently dwelt here and planted corn and beans ere white men came to clear the land . . . .”<sup>132</sup> It is clear from these passages in *The Bean-Field* that Thoreau’s escape into the woods has only led him to discover the land as already appropriated.

Moreover, Thoreau’s description of the role of “white men” seems to suggest that the isolated tranquility of Walden Pond was founded upon a legacy of conquest. Speaking of “an extinct nation [that] had anciently dwelt here . . . ere white men came to clear the land,” Thoreau implies that the “clear[ing] of the land” accomplished by these “white men” not only was a process of preparing the soil for crops, but also was a clearing away of a now-extinct tribe. *The Bean-Field* thus presents Thoreau’s project, his attempt to reclaim a particular type of relationship to the land, as occurring on a continent that was never, so far as Thoreau’s “white men” are concerned, “untrodden space.”

In fact, one way to read *The Bean-Field* is as a parable about the folly of the view adopted by O’Sullivan and his allies. Placed in this historical and political context, after all, the naturalist project of *Walden* comes to look oddly similar to the Mexican-American War as that war was understood by its supporters. In *Walden*, Thoreau similarly journeys into what initially appears to be untrodden space, entering into a seemingly natural setting in which he believes he can begin anew, outside the constraints of society and governed only by the rules nature imposes upon him. Thoreau is in some ways attempting to discover what his friend Emerson would call “an original relation to the universe,”<sup>133</sup> and his method of so doing is to head toward land that appears to be unmarked and untouched by society. Moreover, his way of finding virgin land mirrors the journey embarked upon by America in the war: Thoreau sets out from civilized America and journeys west (at least, west of his little society of Boston) to a land that appears wild and uninhabited. In this sense, he recreates in miniature what many at the time were arguing America had done in the Mexican-American War. Yet this story about a journey beyond the edge of his local society—a journey that was supposed to guide him to a space untouched by society where he could relate directly and intimately to nature—turns into an odyssey in a land

---

132. *Id.* at 124. For additional discussion of the relationship these passages from *The Bean-Field* bear to Locke’s *Second Treatise*, see Walker, *supra* note 79, at 165.

133. RALPH WALDO EMERSON, *NATURE AND SELECTED ESSAYS* 35 (Penguin Books 2003) (1836).

which bears the traces of those who have already labored, mixed, and joined with it. Read as such, these passages about Thoreau's discovery of "the ashes of unchronicled nations" offer a cautionary tale that warns the war's supporters that their expectations of a virgin continent are doomed to disappointment.

If the war effort and the surrounding rhetoric did indeed heighten Thoreau's awareness of America as a nation founded on conquest, then this perhaps gives us insight into the reason why Thoreau associated the war with a troubling of his project of mixing with the land. It will be recalled that Locke in his *Second Treatise* associates the possibility of intermixture with a "first peopling of the world" in which land and goods had yet to be appropriated. If we ascribe this same association to Thoreau, then it makes obvious sense that he would link the Mexican-American War to a disruption of the project of intermixture. For Thoreau, the war highlighted the fact that America could never be what Locke had claimed it to be: a land unburdened by prior appropriation. As such, one could expect the irruption of the war into Thoreau's text to raise the themes of conquest and prior appropriation, as well as to disrupt Thoreau's Lockean vision of labor as a means of mixing with and occupying the land.<sup>134</sup> This is precisely what we see in *The Bean-Field*. It seems plausible, therefore, that Thoreau's understanding of his own project of intermixture—already Lockean in its association of intermixture with labor in a pastoral setting—is mediated by a Lockean requirement that one be engaged in an initial act of appropriation.

Confronted with the harsh reality of a war that was, to Thoreau's mind, undeniably an effort of conquest and theft, Thoreau thus seems to enlist the war as a symbol for myriad acts of displacement—acts that needed to

---

134. It is worth noting that Anne McClintock has essentially made this argument, but in the other direction. I observe that awareness of past conquest disrupts the idea of America as an empty continent, and within the Lockean framework, this in turn disrupts Thoreau's possibility of understanding the land as a female partner with whom he can sexually commingle. McClintock points out that the myth of the "virgin" continent analogizes the land to a female sexual partner in part in order to open up the idea of America as an empty continent, and thereby to facilitate conquest in the present. McClintock argues that this rhetorical strategy has a centuries-old history as a strategy of managing and justifying western imperialism. As McClintock puts it, the narrative use of women to "mark . . . the margins of the new world" commonly constitutes an invitation to "fructify the wilderness" within the logic of such narratives, transforming the land into "nature's invitation to conquest." ANNE MCCLINTOCK, *IMPERIAL LEATHER: RACE, GENDER AND SEXUALITY IN THE COLONIAL CONTEST* 26 (1995). This rhetorical strategy is aligned specifically with the tactic of framing land as untouched or as "virgin" land devoid of prior inhabitants. As McClintock says: "Within colonial narratives, the eroticizing of 'virgin' space also effects a territorial appropriation, for if the land is virgin, colonized peoples cannot claim aboriginal territorial rights, and white male patrimony is violently assured as the sexual and military insemination of an interior void." *Id.* at 30.

be continually repressed in order to foster the belief that the American effort to overspread the continent was a populating of virgin wilderness. Thoreau's own failure to repress these acts in *The Bean-Field*, meanwhile, seems to trouble his genuine interest in mixing with the land. Just as the sound of the locomotive reminded readers of an industrializing world and thereby precluded a full faith in the pastoral myth, the sounds of the Mexican-American War remind readers of a history of conquest that precludes a full belief in America as a place that had ever served Europeans as a site of Locke's great "beginning."

Thoreau's failed (or at best, partially successful) attempt at intermixture thus can be read as central to *The Bean-Field*. At the same time, however, the significance of this failure to the larger text of *Walden* should not be overstated. The failure was not so disabling as to make Thoreau abandon the naturalist project that soon returns in the book's subsequent chapters, a fact which makes clear that Thoreau did not understand intermixture with his beans to be essential to his larger project at Walden Pond. Even in the concluding paragraph of *The Bean-Field*, one can see Thoreau beginning to downplay and transition away from the issues and problems that animated the chapter. Here, Thoreau deemphasizes the importance of the distinction between cultivated and "wild" fields, saying:

We are wont to forget that the sun looks on our cultivated fields and on the prairies and forests without distinction. They all reflect and absorb his rays alike, and the former make but a small part of the glorious picture which he beholds in his daily course. In his view the earth is all equally cultivated like a garden.<sup>135</sup>

Notably, however, Thoreau's transition away from this distinction (between cultivated and uncultivated fields) is accompanied by a retreat from the theme of labor, as the passage returns to an essentially vision-based understanding of the individual's ideal relationship to land. One should learn to relate to nature with the impartiality of the sun, Thoreau suggests, and his is a sun that "looks," "beholds" and "view[s]" rather than labors. This seems to be Thoreau's final exhortation to the agrarian worker. The point is not simply to renounce ownership, though that is certainly part of Thoreau's point, as Thoreau suggests that the farmer "finish his labor with every day, relinquishing all claim to the produce in his fields."<sup>136</sup> In the context of the final paragraph, this familiar

---

135. THOREAU, *WALDEN*, *supra* note 2, at 132-33.

136. *Id.* at 133.

Thoreauvian call for a renunciation of property also becomes part of a larger strategy of transitioning away from the difficulties Thoreau has encountered by defining the husbandman as laborer. By executing this transition, Thoreau quarantines the troubles of his hopes for intermixture to this chapter; it is through the strategy laid out in this concluding paragraph, after all, that Thoreau hopes “[t]he true husbandman will cease from anxiety.”<sup>137</sup> Yet this anxiety—anxiety that seems to reach beyond the farmer’s basic concern for sustenance or profit—allows us to glimpse Thoreau’s awareness of the problems that have come with his attempts to be a laborer at Walden Pond.

### CONCLUSION

In the preceding pages, I have argued that *The Bean-Field* documents Thoreau’s attempt to mix his labor with the land, and that the chapter specifically reveals Thoreau’s commitment to a Lockean framework that dictates the conditions under which one can forge a relationship with land through labor. This Lockean framework, I have suggested, provides a coherent explanation for a variety of seemingly disparate aspects of *The Bean-Field*. It helps account for the chapter’s rhetoric of marriage and intermixture, its framing of the Mexican-American War as a disruption of this fantasy of intermixture, and its mentions of Thoreau’s discovery of the relics of “an extinct nation,” for example. Moreover, it explains why these seemingly disparate elements would appear in the same chapter, and specifically in the chapter of *Walden* that is focused centrally on labor. In so doing, this interpretation suggests that *The Bean-Field* is deeply engaged in Locke’s theory of initial appropriation and is built around a reference to the Mexican-American War that few have previously thought integral to the text. Through this revised understanding of *The Bean-Field*, I have hoped to offer a novel understanding of this vital chapter of *Walden*, and therefore to suggest a reading that might be of interest to literary scholars.

The question remains, however, of why this interpretation might be of interest to legal scholars. Is there a reason why those who study property law ought to have more than a passing interest in the view of *The Bean-Field* that I have elaborated here?

I believe so. In *The Bean-Field*, Thoreau brings a set of expectations to his labor, and these expectations seem to be framed and limited by the

---

137. *Id.*

basic terms of Locke's theory of just appropriation. Thoreau in many ways is attempting to establish what Emerson called an "original relation to the universe,"<sup>138</sup> but he finds himself to be living within a Lockean script. There are two different ways to understand the implications of this fact, and both would seem to be of interest to property law scholars.

One way to understand Thoreau's performance of Lockean theory is simply to say that Locke was correct (or at least that one particular understanding of Locke is correct) regarding the basic conditions required to build the sort of constitutive relationship to land that Thoreau is seeking. According to this view, the prelapsarian rhetoric of Locke's theory of just appropriation reflects the fact that prior appropriation does in fact preclude the particular type of "personal" relationship to the land that Thoreau wants to establish. *The Bean-Field* shows Thoreau coming up against that fact.

I am skeptical of this interpretation, however, primarily because there are many examples in our everyday world of people forging a "personal" relationship with property—and often with land—that they fully know has been subject to prior appropriation. Much of Radin's scholarship is built upon this idea; her repeated appeals to social consensus show that, in a world that offers precious few opportunities for acts of initial appropriation, we are well aware of the phenomenon of people establishing a "personal" relationship with property.<sup>139</sup> It could be the case, of course, that all such relationships would prove hollow if examined with the scrutiny that I have brought to bear on Thoreau's text, and if this were the case, it certainly would be an interesting finding. I suspect this not to be the case, however, and this counsels away from viewing Thoreau as simply reiterating a Lockean truth about our world.

A more compelling interpretation is that Thoreau finds himself performing a Lockean script in *The Bean-Field* because he has internalized the ideas and expectations famously articulated by Locke. On this view, Thoreau's awareness of America as a nation built on conquest troubles his project of intermixture not because conquest inevitably renders such intermixture impossible. Rather, it disrupts Thoreau's project because Thoreau brings to the land an intuitive theory of intermixture that is understood in Lockean terms, an understanding that sets the horizon for his own ability to forge such a relation with the land. According to this

---

138. EMERSON, *supra* note 133.

139. See RADIN, *supra* note 23, at 43.

account, the limits of Thoreau's ability to build a "personal" relationship with the land are set by his own understanding of how such relationships can be created and sustained. Because his understanding is shaped by a Lockean vision of initial appropriation, a version of Lockean theory interposes itself between Thoreau and the land, serving as a mediating force that sets the terms for Thoreau's interactions with his bean field.

This account brings with it the idea that property theories such as Locke's do not simply reflect truths about the ways we relate to our surrounding world. Rather, it suggests, these theories are productive; they establish the terms upon which we connect to our surrounding world. From this perspective, property theories actively shape our interactions with our "personal" property. One way to read *The Bean-Field*, therefore, is as a chapter which suggests that the ways we talk about property help fashion the ways we viscerally interact with it. The result is a chapter that points us toward a dialogic vision of the relationship between property theory and lived experience – and a chapter which, despite Thoreau's assurances to the contrary, thus has a good deal to say about the "trivial affairs of men" on the topic of property.



